## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

JOHN MCDONALD		§	
I	Plaintiff,	§	
		§	
VS.		§	
		§	
ONEBEACON AMERICA INSURANCE		§	CIVIL ACTION NO. 6:11CV136
COMPANY, et al.		§	JURY
De	efendants.	§	

### **JOINT NOTICE OF SETTLEMENT**

#### TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, ONEBEACON AMERICA INSURANCE COMPANY, and Plaintiff, JOHN MCDONALD, file their Joint Notice of Settlement for the above-referenced cause number. The Parties have reached a settlement of the matters in dispute in this lawsuit that applies as to all named defendants in this matter. Pursuant to the settlement agreement, the parties will file a Rule 41(a) Stipulation dismissing all claims against all defendants.

Accordingly, the parties request an abatement of all deadlines in this matter.

**DATED:** August 15, 2012

Respectfully submitted,

/s/ Royce S. Lanning

Charles T. Kelly State Bar No. 11216840

State Dai 100. 1121004

Royce S. Lanning

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ATTORNEYS FOR DEFENDANT, ONEBEACON AMERICA INSURANCE

**COMPANY** 

/s/ Gregory S. Porter

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ATTORNEYS FOR PLAINTIFF

## **CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing was accomplished via Certified Mail Return Receipt Requested, on this the 15<sup>th</sup> day of August 2012, as follows:

### Sent Via Facsimile No: (903) 595-1294

Gregory S. Porter CLARK & PORTER P. O. Box 98 Tyler, Texas 75710

#### Sent Via Facsimile No: (903) 675-6454

Steve Stark
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# <u>Sent Via Certified Mail RRR#: 7012 1010</u> 0001 8007 6237

The HDS Employee Benefit Plan c/o Shane Smith 6415 Southwest Blvd. Benbrook, Texas 76132

#### Sent Via Facsimile No: (713) 840-9404

Gregory Bryan Godkin Roberts Markel, PC 2800 Post Oak Blvd 57th Floor Houston, TX 77056

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HDS Transport, LLC c/o Shane Smith 6415 Southwest Blvd. Benbrook, Texas 76132

/s/ Royce S. Lanning

Royce S. Lanning